

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BOSTON DIVISION
DOCKET NO. 05-11682

L & T YACHT SALES, INC.)
PLAINTIFF,)
)
VS.)
)
POST MARINE CO., INC.)
DEFENDANT)
)

**PLAINTIFF, L & T YACHT SALES, INC.'S OPPOSITION TO DEFENDANT
POST MARINE, INC.'S SUPPLEMENTAL MOTION TO EXCLUDE EVIDENCE**

Now comes Plaintiff, L & T Yacht Sales, Inc., and respectfully opposes the Defendant's Supplemental Motion to Exclude Evidence.

As grounds and in support thereof, that Plaintiff states that the Plaintiff should be permitted to enter evidence as to the lost use (and expenses related thereto) and enjoyment of the boat in question. Further, the Plaintiff's purported non-disclosure (if any exists) of information was substantially justified or harmless and therefore should not be excluded.

In support hereof, Plaintiff submits its memorandum in support hereof.

WHEREFORE, the Plaintiff respectfully requests that the Defendant's Supplemental Motion to Exclude Evidence (and Motion to Exclude Testimony, Documents, Expert Witnesses and Undisclosed Witnesses) be denied.

The Plaintiff,
By its Attorneys,

/s/ John E. Zajac

John E. Zajac, Esquire BBO # 560195
170 High Street
Taunton, MA 02780
(508) 821-2552

CERTIFICATE OF SERVICE

I, John E. Zajac, Esquire this 8th day of February, 2008 have given notice of the within Plaintiff, L & T Yacht Sales, Inc's Opposition to Defendant Post Marine, Inc's Supplemental Motion to Exclude Evidence, by e-mail service, via the Court's CM/ECF system which sent notification of such filing to Howard M. Brown, Esquire, Bartlett Hackett Feinberg P.C., 155 Federal Street, 9th floor, Boston, MA 02110 and by regular mail, postage pre-paid to Michel O. Weisz, Esquire, BERGER SINGERMANN, 200 South Biscayne Boulevard, Suite 1000, Miami, FL 33131

/s/ John E. Zajac

John E. Zajac, Esquire